

Amendments to the Claims

The pending claims are believed to be as follows:

Claims 1-6, 10-12, and 15-25 are pending in the application. Claims 7-9, 13, 14, and 26-32 are withdrawn from consideration, subject to being rejoined by the Examiner.

1. (Currently Amended): A fungicide composition ~~comprising~~consisting essentially of: a fatty acid, or a salt thereof, having between 5 and 22 carbon atoms included in a fungicidally effective amount; an organic carboxylic acid, or a salt thereof, different from the fatty acid, said organic carboxylic acid selected from the group consisting of: mevalonic acid, glycolic acid, ketoglutaric acid, glutaric acid, glyceric acid, malonic acid, benzoic acid, trichloroacetic acid, pyruvic acid, cinnamic acid, formic acid, fumaric acid, isocitric acid, oxalacetic acid, acrylic acid, isobutyric acid, itaconic acid, humic acid, tetrahydrofurfuryl salicylic acid, diethylamine salicylic acid, fulvic acid[[s]], pentonic acid, gluconic acid, galactonic acid, hexonic acid, saccharic acid, ascorbic acid, bionic acid[[s]], alanine, glycine, isoleucine, leucine, methionine, phenylalanine, proline, tryptophan, valine, asparagine, cysteine, glutamine, serine, threonine, tyrosine, aspartic acid, glutamic acid, arginine, histidine and lysine and mixtures of these acids; and a carrier and at least one emulsifier, wherein the composition is capable of forming an emulsion upon mixing with water and exhibiting a synergistic fungicidal effect upon application.

2. (Currently Amended): The composition of claim 1 ~~comprising~~consisting essentially of the fatty acid in an amount between about 1% v/v and about 99% v/v, based upon the total volume of the composition.

3. (Previously Presented): The composition of claim 1 wherein the fatty acid is selected from the group consisting of: pentanoic acid, hexanoic acid, heptanoic acid, octanoic

acid, pelargonic acid, decanoic acid, undecanoic acid, lauric acid, myristic acid, palmitic acid, stearic acid, oleic acid, linolenic acid, linoleic acid, erucic acid, palmitoleic acid, pentadecanoic acid, margaric acid, arachidic acid, arachidonic acid, behenic acid, mixtures thereof.

4. (Previously Presented): The composition of claim 1 wherein the alkyl group of the organic carboxylic acid is a straight chain, branched chain or cyclic alkyl group.

5. (Previously Presented): The composition of claim 1 wherein the fatty acid is selected from the group consisting of: caprylic acid and pelargonic acid.

6. (Previously Presented): The composition of claim 5 wherein the organic carboxylic acid is selected from the group consisting of: glycolic acid, tetrahydrofurfuryl salicylic acid, diethylamine salicylic acid, and mixtures of these acids.

7. (Withdrawn and Currently Amended): The composition of claim 5 wherein the organic carboxylic acid is selected from the group consisting of: pentonic acid, gluconic acid, galactonic acid, hexonic acid, saccharic acid, ascorbic acid, bionic acid, and mixtures thereof.

8. (Withdrawn and Currently Amended): The composition of claim 5 wherein the organic carboxylic acid is selected from the group consisting of: fumaric acid, isocitric acid, ketoglutaric acid, oxalacetic acid and mixtures thereof.

9. (Withdrawn and Currently Amended): The composition of claim 5 wherein the organic carboxylic acid is selected from the group consisting of: alanine, glycine, isoleucine, leucine, methionine, phenylalanine, proline, tryptophan, valine, asparagine, cysteine, glutamine, serine, threonine, tyrosine, aspartic acid, glutamic acid, arginine, histidine and lysine or mixtures thereof.

10. (Currently Amended): The composition of claim 1 ~~comprising~~consisting essentially of an organic carboxylic acid in an amount between about 0.01% v/v and about 80%

v/v based upon the total volume of the composition.

11. (Currently Amended): The composition of claim 1 ~~comprising~~consisting essentially of the fatty acid and organic carboxylic acid in a weight ratio of between 1:1000 and about 1000:1.

12. (Currently Amended): The composition of claim 1 ~~comprising~~consisting essentially of the fatty acid and organic carboxylic acid in a weight ratio of between 1:5 and about 5:1.

13. (Withdrawn and Currently Amended): The composition of claim 1 wherein the organic carboxylic acid is a dicarboxylic acid.

14. (Withdrawn and Currently Amended): The ~~herbicide of~~ composition of claim 1 wherein the organic carboxylic acid is an aromatic carboxylic acid.

15. (Currently Amended): The composition of claim 1 wherein the organic carboxylic acid is ~~an organic carboxylic acid~~ selected from the group consisting of mevalonic acid, glycolic acid, glyceric acid, benzoic acid, trichloroacetic acid, pyruvic acid, cinnamic acid, formic acid, acrylic acid, isobutyric acid, humic acid, tetrahydrofurfuryl salicylic acid, diethylamine salicylic acid, fulvic acid[[s]], pentonic acid, gluconic acid, galactonic acid, hexonic acid, ascorbic acid, bionic acid, alanine, glycine, isoleucine, leucine, methionine, phenylalanine, proline, tryptophan, valine, asparagine, cysteine, glutamine, serine, threonine, tyrosine, arginine, histidine and lysine.

16. (Previously Presented): The composition of claim 1 wherein the organic carboxylic acid includes an hydroxyl substituent.

17. (Currently Amended): The composition of claim 1, further ~~comprising~~consisting

essentially of one or more of an adjuvant and/or a diluent.

18. (Original): The composition of claim 1 wherein the carrier is selected from the group consisting of: water, kerosene, xylene, mineral oil, vegetable or seed oil, alcohol and a mixture thereof.

19. (Currently Amended): The composition of claim 1 provided as a concentrate suitable for dilution, said composition ~~comprising~~consisting essentially of one or more emulsifier selected to suspend the fatty acid, or the organic carboxylic acid, or both in water upon dilution to provide a ready-to-use formulation.

20. (Original): The composition of claim 1 provided as a ready-to-use formulation suitable for application to harvested fruit, vegetables, berries, seeds, leaves, flowers and nuts.

21. (Currently Amended): The composition of claim 20 ~~comprising~~consisting essentially of the fatty acid in an amount between about 0.001% v/v and about 3.0% v/v, based upon the total volume of the composition.

22. (Currently Amended): The composition of claim 21 ~~comprising~~consisting essentially of the fatty acid in an amount between about 0.01% v/v and about 1.0% v/v, based upon the total volume of the composition.

23. (Currently Amended): The composition of claim 20 ~~comprising~~consisting essentially of the organic carboxylic acid in an amount between about 0.001% v/v and about 4.0% v/v, based upon the total volume of the composition.

24. (Currently Amended): The composition of claim 20 ~~comprising~~consisting essentially of the organic carboxylic acid in an amount between about 0.1% v/v and about 1.0% v/v, based upon the total volume of the composition.

25. (Original): The composition of claim 20 suitable for application to fruits,

vegetables, berries, seeds or nuts after harvesting.

26. (Withdrawn and Currently Amended): A method of controlling fungus, said method comprising contacting one or more of: fruit, vegetables, berries, seeds, and nuts with an effective amount of a ready-to-use composition prepared by diluting the composition of claim 1 with water.

27. (Withdrawn and Currently Amended): A method of treating a crop product to inhibit fungal infection, said method comprising applying to the crop product a fungicidal composition ~~comprising a fungicidally active amount of a fatty acid, or salt thereof, having between 5 and 22 carbon atoms, and an organic acid, or salt thereof, different from the fatty acid of claim 1.~~

28. (Withdrawn and Currently Amended): The method of claim 27 wherein the crop product is selected from the group consisting of: fruit, vegetable, berry, seed, nut, ~~or~~ and flower.

29. (Withdrawn): The method of claim 27 comprising applying the fungicidal composition to the crop product after harvesting.

30. (Withdrawn): The method of claim 27 comprising applying the fungicidal composition to one or more of: strawberries, raspberries, blueberries, melons, stone fruit, nut crops, potatoes, vegetables, turf grasses, seed crops, corn, rice, wheat, soybeans, dry beans, peanuts, cotton, sorghum, and curcubits.

31. (Withdrawn): The method of claim 27 comprising identifying crop product susceptible to fungal infection and applying the fungicidal composition to the crop product in one or more treatments

32. (Withdrawn): The method of claim 27 wherein the crop product is dipped in the fungicidal composition.